NOVA SCOTIA

ANNUAL REPORT

for the year
ending December 31, 1986

CRIMINAL INJURIES COMPENSATION BOARD

Honourable Terence Donahoe, Q.C.
Minister
Department of Attorney General
P.O. Box 7
Halifax, Nova Scotia

Dear Mr. Minister:

I have the honour to submit the Annual Report of The Criminal Injuries Compensation Board for the year ending December 31, 1986.

Respectfully submitted,

David S.C. Waterbury, Q.C.
Chairman

The Board is required by Section 5 (1) of the Compensation for Victims of Crime Act, the same being Chapter 8 of the Statutes of Nova Scotia for the year 1975, to report on its transactions during the preceding year. The Board is seeking amendment to this Statute in the light of a further requirement that it report to the Federal Government on its transactions during the preceding fiscal year that one report only be required.

LEGISLATION

the legislation under which the Board functions is Compensation for Victims of Crime Act as set forth above. The Act came into force in Nova Scotia on the 12th day of May, 1981. By this Act the Board is required to provide compensation to the victim, the person responsible for the maintenance of the victim, or, where the death of the victim has resulted, the victim's dependants, upon application, when, in the Province of Nova Scotia, any person is injured or killed by an act or omission by any other person occurring or resulting from the commission of any of the offences set forth in the Schedule of the Act. The Board is limited in the compensation award to the amount of a lump sum payment of Fifteen Thousand Dollars ($15,000.00), or Five Hundred Dollars ($500.00) per month in the case of periodic payments, and cannot pay any account for damages which totals less than Two Hundred and Fifty Dollars ($250.00). There is a limitation period of one year which may be waived in certain circumstances. The Board can concern itself only with offences which took place after the date the Act came into force. Having made payments, the Board is subrogated to all the rights of the person

to whom payment is made. The Board is required to consider the conduct of the victim if it in any way contributed directly or indirectly to his injury, or if he was uncooperative. "Injury" means bodily harm, mental or nervous shock, pain and suffering.

PERSONNEL

The Board began the year with David J.C. Waterbury, Q.C., chairman; C. Benson Auld, M.D., Vice-chairman, and Michael G. Johnson, C.A., as a Board member. However Mr. Johnson found it necessary to retire because of pressure of other duties and he was succeeded by Mr. Patrick C. Copeland, C.A. The Board serves under the jurisdiction of the Attorney General and is responsible for the Administration of Compensation for Victims of Crime Act.

Any two members of the Board, one of whom must be either the Chairman or Vice-Chairman, constitute a quorum. Mr. Keith S. Hall serves the Board as its investigator and Mrs. Judy Blois, although absent on sick leave at the time of this writing, and replaced on a temporary basis by Ms. Arthena Devoe, serves as Secretary and Hearing Reporter. The office is located at 1660 Hollis Street, Centennial Building, 10th floor, Halifax, Nova Scotia, B3J 2V9.

COST SHARING

Awards made under the Act are cost shared between the Government of Canada and the Government of Nova Scotia. The contribution by the Government of Canada amounts to fifty per cent (50%) of awards (net of any recoveries) to a maximum of ten cents (10¢) per capita of the population of Nova Scotia. For the fiscal year 1985-86, the Government of Canada

contributed $88,000.00 towards payment of awards. The administrative costs of the Board is borne entirely by the Province of Nova Scotia.

PUBLIC AWARENESS

It continues to be the responsibility of the Board to make the public aware of its existence and authority. Large posters, together with a supply of explanatory brochures, have been printed and are displayed in hospitals, police stations and other public institutions. The various police forces throughout the Province have been provided with information and have all been visited either by the Chairman or by Mr. Hall during the calendar year under review. The media have been most cooperative and there have been a number of newspaper articles, as well as appearances on television and radio. There seems to have been some success in this regard which, as mentioned above, is an ongoing responsibility. Although hearings of the Board are generally open to the public, there are exceptions. The principal one is that it is improper for the Board to admit the public where the person whose act or omission allegedly caused injury or death has not been charged with a criminal offence or, if charged, has not been convicted.

ADMINISTRATION AND ACTIVITY

Although fewer applications were received in the calendar year 1986, an increased number of hearings were held. Since the beginning of 1987 and the writing of this report the number of applications received has been considerably in excess of that received during a similar period in 1986.

By means of a periodic payment, although few in number represent a large increase over the previous year due to the fact that two of them were paid to dependants of victims of murder and were paid retroactively back to the date of death. Over $10,000.00 was paid out as periodic payments for two of these cases in 1986.

The applicants were increased over the year from female applicants and slightly decreased from males. It is known that 47 offenders had been drinking which is similar to the record of 1986. It should be noted that all but one of the occasions in which Section 25, that is to say the section in which an award is reduced because of conduct of the applicant, concern persons who had been drinking. The statistic as to the age of the victim as compared with the 1985 statement indicates that these figures can vary considerably from year to year. As for example, the number of victims under 19 years increased over 50 per cent, the number from 19 - 40 years increased by 12 per cent and the number of applications from 41 - 65 years decreased by 60 per cent, while applications from those over 65 years of age remained at approximately the same.

The the 99 offenders identified, 94 were charged and 84 convicted which represents an improvement over the 1985 statistics. The applicant was found to some extent blame worthy in 15 hearings of 1986 as compared to 17 instances in 1985.

SUBROGATION

By Section 31 (2), the Board is subject to all the

rights of the person to whom payment is made under the Act to recover damages by civil proceedings in respect to the injury and may maintain an action in the name of such person.

The amount recovered under this Section is down considerably from that recovered in 1985. In the latter year, one offender, of more affluence than the average offender, was able to make payment of more than 50% recovered in the year 1985.

GENERAL

As in the 1985 report the Board continues to be presented with serious head injuries. Pain and suffering is considered in these instances.

The Board was called upon to deal with 7 cases following homicides. This represents a considerable increase over the Board's previous experience. These awards vary from those which are only entitled to an award to account for funeral expenses to those wherein dependants for whom the victim was responsible apply for maintenance. This is the principal source of the requirement for the Board to make periodic payments.

Sophisticated dental restorations rather than substitute prosthesis is a considerable matter of expenditure, particularly with young people experiencing their first loss of teeth as a result of a criminal injury.

The Board continues to cut back or refuse compensation to victims who have not cooperated with the police and particularly those who have failed to report

themselves as a victim of a criminal activity or to atttend criminal trials or Board hearings. The Board also closely examines conduct of the victim, pursuant to Section 25. The Board is not inclined to compensate persons who have been drinking to a considerable extent and may have impaired their faculties thereby rendering themselves as an attractive target for an assault or as being incapable of resisting one.

The Board acknowledges the valued contribution of all court officials, police forces, hospitals, doctors, and legal counsel involved in the presentation of the matters for its consideration. The police forces of the Province have been particularly cooperative in providing reports which are of very great assistance to the Board. Without those reports, much costly investigative procedure would be necessary. Reports requested from hospitals and court officials have been promptly received in all instances. Doctor's reports are particularly essential, and the Board acknowledges with appreciation the fact that skilled physicians frequently provide to the Board detailed reports at very reasonable fees. All counsel appearing before the Board seem well acquainted with their client's affairs and the jurisdiction of the Board.

CRIMINAL INJURIES COMPENSATION BOARD

STATISTICS

1 January 86 - 31 December 86

Applications received	103	
Hearings Held	116	
Awards granted	89	
Adjourned for further evidence	6	
Review of previous decision	4	
Dismissed - no award granted	11	
Total		
Interim awards	1	
Supplementary awards	6	
Periodic awards	4	
Section 25 applied	25	
Out of 116 applications heard	41	Female
	75	Male
Out of 116 Offenders	54	Yes
Had been drinking	18	No
	44	Unknown
Agge of Victim	21	Under 19
	78	19 - 40
	8	40 - 65
	9	Over 65
Theft Related	9	Yes
	107	No
Offender	99	Identified
	94	Charged
	84	Convicted
Lump sum payments	$313,356.59	
Periodic payment	12,250.00	
Total	325,606.59	
Average award	2,701.35	
Total costs	12,280.41	
Recovery	2,259.38	

10/84-392 A 22 year old single unemployed male was shot in the shoulder, neck and facial area with a 303 caliber rifle. There was extensive damage to the jaw, teeth and roof of the mouth with scaring on the shoulder, neck and face. The assailant was charged and convicted under Section 222 of the Criminal Code and sentenced to 8 years imprisonment. Total award $12,444.07 (pain and suffering $10,000.00)

11/84-408 This is an application by way of review under Section 22 of the Act of a decision made 30 September 1985. The victim has continued to have health problems with his leg and has undergone hospitalization and is prevented from returning to work. The Board considered new evidence sufficient to increase the original award by $4,800.00 to the maximum permissible of $15,000.00 (pain and suffering $4,200.00)

12/84-410 A 25 year old single male student was assaulted about the face and suffered deep lacerations above the left eye and bruises. The assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and fined $500.00 The Board reduced the award by 40 % because of the conduct of the victim. Total award $303.00 (pain and suffering $240.00).

03/85-438 A 19 year old single female student was sexually assaulted and suffered mental trauma. Her assailant was charged under Section 246.2(a) of the Criminal Code but before being brought to trial he died. The Board found that the

12/81-27 The applicant requested a review of a Board order of 30 March 1982 due to reoccuring dislocation of his shoulder and which was eventually stablized by a further surgical procedure resulting in a claim for lost wages. The award was reduced by 60 per cent under Section 25 as in the original order. Total award $3400.00 (pain and suffering $1600.00)

05/84-334 A 27 year old unemployed single female was assaulted and received an undisplaced hair line fracture of the left zygoma and a scar on her left cheek. Her assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and fined $350.00. The Board applied the provisions of Section 25 of the Act and reduced the award by one-third. Total award $3100.00 (pain and suffering $3000.00).

06/84-349 The applicant applied for a review of a decision made 18 September 1984 on the grounds of continuing emotional trauma. The Board ruled that new evidence presented to it was not sufficient to vary the original order.

10/84-387 A 75 year old retired single male was shot in the leg resulting in amputation while he was pruning trees. The person causing the injury was first charged under Section 204 of the Criminal Code but as a result of plea bargaining, the charge was changed to a violation of the lands and forests act, a Provincial Statute and a fine of $500.00 was imposed. The Board found that an offence under Section 204 of the Criminal Code had been committed. There was a claim for lost wages. Total award $10,480.00 (pain and suffering $8500.00)

applicant was a victim of a crime of sexual assault. Total award $4,100.00 (pain and suffering $4,000.00)

03/85-439 A 30 year old male bookkeeper was stabbed in his home by an aquaintance who was suffering obsessive delusions. The victim suffered several stab wounds to the neck, shoulder and thigh requiring hospitalization for some 7 days. He has a scar in the shoulder area. His assailant was charged and convicted under Section 245.3 of the Criminal Code and sentenced to 3 years imprisonment. Total award $1898.73 (pain and suffering $1500.00)

03/85-440 A 25 year old female, spouse of the victim of 03/85-439 suffered a laceration to the right eye-brow in the same incident and mental trauma. There was a claim for lost wages. Her assailant was also sentenced to a three year term of imprisonment to run concurrently with the similar term imposed for the assault of her husband. Total award $875.00 (pain and suffering $500.00)

03/85-449 A 33 year old male chef was assaulted by two individuals receiving bruises and lacerations about the face and head and trunk and developed difficulty with his vision. However the latter returned to normal in time. One assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and sentenced to a 90 day intermittent sentence. The other assailant is a subject of an outstanding warrant. Total award $1,035.00 (pain and suffering $1,000.00

04/85-451, 452, 453, and 454 - A 78 year old single female, a 87 year old single female, an 82 year old single male and a 63 year old single male were robbed in their residence in a remote area by three assailants who inflicted minor injuries on two of the victims but caused all four of them mental anguish to the extent that one was later removed to a nursing home. All three assailants were charged and convicted under Section 303 of the Criminal Code and sentenced to 20 months imprisonment for one, two years less a day for another and the third person given a suspended sentence. Total award to all four applicants $1500.00 (pain and suffering $1500.00)

04-85-460 A 78 year old male boat repairman was assaulted by his nephew following a dispute. The applicant received general bruising to his body as well as a fractured right humerus and fractured right hip and is left with a disability. His assailant was charged and convicted under Section 245.2 (2) of the Criminal Code and sentenced to 6 months imprisonment plus 2 years on probation. There was a claim for lost wages. Total award $7,370.08 (pain and suffering $5,000.00)

05/85-463 A 22 year old male university student was struck by a bullet fired from outside a building in which has was an occupant. He received lacerations to the ear, scalp and left side of his head. His assailant was charged and convicted under Section 222 of the Criminal Code and received a sentence of 5 years imprisonment to run concurrant with other terms. Total award $456.75 (pain and suffering $400.00)

05/85-465 A 44 year old male employed as a stone cutting miner was assaulted about the head and received a fracture of the zygomatic arch and subsequently developed memory loss and numbness and difficulty with balance. His assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and sentenced to 60 days imprisonment and placed on probation for 2 years. There was a claim for lost wages. Total award $6,877.00 (pain and suffering $3,000.00)

05/85-466 A 28 year old single assistant restaurant manager was assaulted by an employee following a discussion of working conditions and received soft tissue swelling to the face which subsequently resulted in a damaged nerve affecting sensation under the left eye and in his mouth. The assailant was charged and convicted Under Section 245.1 (1) (b) of the Criminal Code, placed on probation for 2 years and directed to do 100 hours of community service. Total award $1385.00 (pain and suffering $1200.00)

05/85-468 A 66 year old widow received injury to her hand in an altercation with neighbours and family near her home. She has a permanent disability of the right ring finger. Her assailant was charged and covicted under Section 245 (b) and 245.1 (1) (b) of the Criminal Code and was placed on probation for 1 year. Total award $1,125.00 (pain and suffering $850.00)

05/85-472 A 34 year old married policemen was struck by a person whom he was attempting to arrest and received a broken nose and a cut on his face.

His assailant was charged and convicted under Section 245.1(1) (b) of the Criminal Code and sentenced to 8 months probation. There was no loss of wages. Total award $885.00 (pain and suffering $800.00)

06/85-473 A 36 year old manager of a beverage room was assaulted by a patron following a conversation about his admissiblity to the premises. He received a broken nose. The assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and fined $400.00. Total award $1304.00 (pain and suffering $800.00)

06/85-477 A 35 year old male technician with a petroleum firm was assaulted in a beverage room by another patron and received facial injuries and fractures to three teeth. His assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code, was placed on probation and ordered to make restitution to the applicant in the amount of $1400.00, which was done. Total award $882.00 (pain and suffering $750.00)

06/85-479 A 35 year old male employed as a government marketing analyst was assaulted by a taxi driver arising from a misunderstanding over payment of the taxi fare. The assailant was not identified but the Board found the applicant to be a victim of a crime under Section 245.1 (1) (b) of the Criminal Code . The victim suffered a fracture of the zygoma and the loss of visual acuity in one eye. He has a scar and a loss of vision. Total award $8,850.00 (pain and suffering $8,500.00)

07/85-481 A 28 year old unemployed single male was assaulted by an aquaintance and suffered fractured facial and nasal bones, contusions bilaterally and contusions of the chest. His assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and fined $250.00. Total award $2,040.00 (pain and suffering $1800.00)

07/85-489 A 42 year old married fisherman was assaulted outside a licensed premises and received a fracture of the mandible. His assailant was charged and convicted under Section 245.3 of the Criminal Code and placed on probation for 2 years. There was a claim for lost wages. Total award $2,659.00 (pain and suffering $2,000.)

08/85-492 A 36 year old single female clinical supervisor with a municipal social services office was assaulted in her office by one of her clients and received a slight whiplash injury to her neck, back spasms, lacerations of the face and bruising. Her assailant was charged under Section 245.1 (1) (b) of the Criminal Code. However the charge was subsequently dismissed due to the failure of witnesses to appear. The Board found that the applicant was a victim of the crime as stated. Total award $845.00 (pain and suffering $800.00)

08/85-495 A 20 year old married female separated from her husband was sexually assaulted by an aquaintance and then choked and stabbed several times. The applicant received 14 stab wounds in the throat and neck area as well as nervous and mental shock. Her assailant was charged and convicted under Section 246.1 (1) (a) and Section 222 of the Criminal Code and sentenced to a total of 10 years imprisonment. Total award $5,100.00 (pain and suffering $5,000.00)

08/85-497 A 32 year old male cook was assaulted on the street on his way home from work by four persons and received numerous bruises and lacerations about the head, neck and shoulders as well as broken teeth. The assailants were charged and convicted under Section 303 of the Criminal Code and one adult was senteneced to 3 months imprisonment, the other three young offenders sentenced to 30 days. Total award $1,644.77 (pain and suffering $500.00)

08/85-499 A 22 year old single house painter was shot with a shotgun on the public street and received 20 pellets to his right forearm. The assailant was charged under Section 222 of the Criminal Code and convicted under Section 228 and sentenced to 30 months imprisonment. The applicant was unable to work for 2 weeks. Total award $2,585.25 (pain and suffering $1700.00)

08/85-501 A 15 year old male high school student was assaulted by another student at school and received lacerations to his lip as well as the loss of teeth. The assailant was charged and

convicted under Section 245.1 (1) (b) of the Criminal Code and placed on probation. The Board ordered the payment of future dental care relating to the broken teeth. Total award $1260.00 (pain and suffering $1200.00)

08/85-503 A 24 year old female employed as a bartender was sexually assaulted by a companion and suffered facial injuries, pelvic injuries and mental trauma. The assailant was charged and convicted under Section 246 (2) of the Criminal Code and sentenced to a term of 7 years which on appeal was reduced to 4 years imprisonment. There was a claim for lost wages. The Board invoked the provisions of Section 25 of the Act because of the contributory actions of the victim in the consumption of alcohol. Total award $3,823.00 (pain and suffering $3,000.00)

10/85-510 A fifteen year old female high school student was sexually assaulted by her stepfather over a period oftime and he was subsequently charged and convicted under Section 153.1 (a) of the Criminal Code,was a result of plea bargaining. The Board found that there was a commission of the offence under Section 146, subsection 1 of the Criminal Code. The victim endured considerable emotional trauma. Total award $6,528.48. (pain and suffering $6,000.00)

10/85-511 A 25 year old single male service station attendant was assaulted by an aquaintance at a tavern following a dispute over the payment of a wager. The applicant was struck first in the face and later stabbed in the left groin. The

assailant was charged and convicted under Section 245.2 (2) of the Criminal Code and sentenced to 90 days imprisonment plus two years probation. The applicant claimed loss of wages, loss of dentures. Total award $3,569.00. (pain and suffering $2500.00).

10/85-512 A 34 year old married clerk/steno employed by the municipal planning department was assaulted by an irate client and received a fracture of the left zygoma. The assailant was charged under Section 245.1 (1) (b) of the Criminal Code then fled the Province before the matter came to trial and a warrant for her arrest is outstanding. There was a claim for a denture. Total award $2,250.70. (pain and suffering $1500.00)

10/85-513 A 16 year old single male was assaulted and received facial injuries as well as the loss of two teeth. The assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code, fined $200.00 and placed on probation for 6 months. Total award $1821.00. (pain and suffering $1200.00)

By way of review under Section 22 an additional sum of $4,068.00 was provided for restorative dentistry.

10/85-514 A 52 year old divorced unemployed male was assaulted and stabbed in his home by his son receiving wounds to the abdominal area along with a fractured rib, two wounds to the chest wall with hemathorix and damage to tendon and nerves on the left hand. The assailant was charged and

convicted under Section 222 of the Criminal Code and sentenced to probation for a period of 3 years, during which time he was to undergo psychiatric treatment as an inpatient at the Nova Scotia Hospital. Total award $4,778.30. (pain and suffering $4500.00)

11/85-520 A 44 year old married male policeman was injured while attempting to effect the lawful arrest of an offender of the law and received a rotator cuff tear on his right arm. The assailant was charged under Section 246 (1) (a) of the Criminal Code and Section 84 and Section 230 and was convicted on the latter two. The Board considered this an application by way of Section 6, subsection 1 paragraph B of the Act. Total award $2500.00. (Pain and suffering $2500.00)

11/85-521 A 41 year old married female was assaulted at work by a fellow worker who in the process bent her backwards over a box and wrestled her to the floor. The assailant was charged and convicted under Section 246.1 (1) (a) of the Criminal Code and sentenced to 60 days imprisonment and placed on probation for 2 years. The applicant suffered from a long period of mental trauma which affected her ability to work. Total award $4,219.05 (pain and suffering $4,000.00)

11/85-522 The applicant is the mother of a 28 year old female prostitute who was stabbed to death. Her assailant was charged and convicted under Section 217 of the Criminal Code. The Board ordered payment of funeral expenses of $2,545.00.

11/85-523 The applicant is the widow of the husband

who was beaten to death by assailants who were subsequently convicted of first degree murder and sentenced to life imprisonment. With the consent of the victim the Board ordered payments of expenses of $4,200.00 and payment of a dependants allowance of $150.00 a month from the date of death.

11/85-524 A 30 year old divorced policeman was injured while affecting the lawful arrest of an offender of the law and suffered a twisted ankle with torn ligaments and ruptured blood vessels. Under Section 6, subsection 1, paragragh b of the Act the Board ordered a total payment of $420.00. (pain and suffering $350.00)

11/85-525 A 17 year old unemployed female was the victim of a crime of murder. On application being made by her parents the Board ordered payment of funeral expenses of $3,747.50

11/85-526 A 28 year old unemployed female was assaulted at a drinking establishment by another patron and received facial injuries including a ripped tear duct. Although no person was ever charged the Board found the applicant to be a victim of a crime under Section 245.1 (1) (b) of the Criminal Code. The Board also found the applicant partially responsible for her own injuries through intoxication and reduced the award. Total award $665.00 (pain and suffering $565.00)

11/85-527 A 24 year old male baker was assaulted while at a party and received abdomenal injuries which subsequently necessitated an exploratory laparotomy and he developed a hemathorax. There

was also a claim for lost wages. The assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and sentenced to 8 months imprisonment. Total award $4,011.25 (pain and suffering $2500.00)

12/85-528 A 44 year old employed widow was sexually assaulted by a stranger in her home and suffered mental trauma and flibitis to her leg. Her assailant was charged and convicted under Section 246.1 (1) (a) of the Criminal Code and sentenced to 30 months imprisonment. Total award $4,610.00 (pain and suffering $4,500.00)

12/85-529 A 21 year old male student who also works part time was assaulted in a licensed premises and received facial injury and residual scars. No one was ever charged with an offfence but the Board found the applicant to be a victim of a crime under Section 245.1 (1) (b) of the Criminal Code. Total award $1200.00. (pain and suffering$1,000.00)

12/85-530 A 17 year old unemployed female was the victim of a crime of murder contrary to Section 218 subsection 1 of the Criminal Code. Upon application by her mother the Board ordered payment of funeral expenses in the amount of $2,079.50.

12/85-531 A 19 year old employed male labourer was assaulted at his place of work following a dispute with a fellow worker and received facial injuries and five broken teeth. The assailant was charged under Section 245.1 (1) (b) of the Criminal Code but absconded and a warrant for his arrest is still outstanding. There was a claim for lost wages. Total award $4,255.00 (pain and suffering $1,000.00)

12/85-532 A 40 year old female, personal care worker, was assaulted by her former common law husband, receiving a cerebral concusion and chest and arm contusions. Her assailant was charged and convicted under Section 245.1 (1) (a) of the Criminal Code and sentenced to 1 week imprisonment followed by one year probation. There was a claim for lost wages. Total award $1,031.00 (pain and suffering $650.00

12/85-534 A 31 year old male caterer was assaulted by being stabbed in the chest and abdomen by a fellow patron of a licensed premises. His assailant was charged and convicted under Section 245.2 (2) of the Criminal Code and sentenced to 30 months imprisonment. There was a claim for lost wages. Total award $2,950.00 (pain and suffering $1500.00.)

12/85-535 A 47 year old unemployed insulin dependant diabetic was assaulted in a parking lot by unidentified persons and received numerous bruises and lacerations to the face and body. His assailants were never identified but the Board found that the applicant was a victim of crime under Section 245.1 (1) (b) of the Criminal Code. Total award $960.00 (pain and suffering $600.00)

12/85-536 An 18 year old unemployed female was the victim of a crime of murder contrary to Section 218, subsection 1 of the Criminal Code. Upon application by her mother the Board ordered payment of funeral expenses in the amount of $3,765.00.

10/85-540 An 18 year old male student was assaulted by several persons while attending a fair. He

received a fracture of the right and left mandible and the loss of several teeth. Although no persons were charged, the Board found the applicant to be a victim of a crime contrary to Section 245.1 (1) (b) of the Criminal Code. The award was $4,360.00 (pain and suffering $3,000.00)

05/85-542 A 33 year old male, labourer, was assaulted by the brother of his common law wife and received a fractured jaw and the loss of several teeth. His assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and sentenced to serve 60 days intermittently and placed on probation for a period of one year. The applicant admitted to being drunk at the time and the Board's investigatoin revealed that he had an extensive criminal record. The Board invoked Section 25 of the Act and reduced the award by one third because of the applicant's own actions and furthermore reduced the remaining award by 50 per cent because of the character and way of life of the applicant. Total award $1,058.35 (pain and suffering $333.34)

10/85-543 A twenty three year old single male carpenter was assaulted by a fellow patron of a licensed premises and received lacerations to his face as well as the loss of some teeth. Although charges were not laid, the Board found the applicant to be a victim of a crime under Section 245.1 (1) (b) of the Criminal Code. There was a claim for lost wages. Total award $2,255.87 (pain and suffering $400.00)

11/85-545 A 35 year old married male confectionary salesman was assaulted by a neighbour in a dispute over the placement of a fence and received a broken jaw. His assailant was charged and convicted under Section 245 (b) of the Criminal Code and fined $500.00 and placed on probation for 1 year. Total award $530.50 (pain and suffering $500.00)

11/85-546 A 30 year old single male employed as a security officer at a retail store was assaulted by a suspected thief and received a fractured right ring finger which subsequently developed infection. There was also a claim for lost wages. The assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and sentenced to 6 months probation. Total award $2,284.06 (pain and suffering $800.00)

12/85-548 A 43 year old divorced female some time taxi driver, some time musician, was assaulted in a licensed premises by another patron and received a fracture of the right little finger. There was a claim for lost wages. Her assailant was charged under Section 245. (b) of the Criminal Code, convicted and fined $50.00. There was a claim for lost wages. Total award $2,400.00 (pain and suffering $800.00)

12/85-551 A 29 year old divorced unemployed female was assaulted by her common law husband and sustained bruises to the head. Although there were no criminal charges laid the Board found the applicant to be a victim of a crime contrary to Section 245.1 (1) (b) of the Criminal Code a total award $400.00 pain and suffering.($400.00)

08/85-552 A 30 year old male, living common law, was assaulted by two brothers while walking in the woods and received facial injuries including a broken nose. The two assailants were charged and convicted under Section 245.1 (1) (b) of the Criminal Code and were fined $100.00 and $150.00 and placed on probation for a period of two years. The Board invoked provisions of Section 25 of the Act and reduced the award by 50 per cent because of the contributory actions of the victim. Total award $625.00 (pain and suffering $600.00)

01/86-553 A 47 year old female, purchasing agent, separated from her husband was sexually assaulted in her home by the boyfriend of her oldest daughter and received bruises about the face and a fractured zygoma. She also suffered considerable mental trauma and fear. Her assailant was charged and convicted under Section 306, (1), (b) of the Criminal Code and sentenced to imprisonment for 3 years. Total award $5,352.00 (pain and suffering $5,000.00)

01/86-554 A 14 year old student, daughter of the victim in 01/86-553 was present at the time of the commission of the crime involving her mother and suffered mental trauma, distress and fear. The Board found that she was a victim of the same crime as her mother. Total award $1,000.00 for pain and suffering.1

01/86-555 A 22 year old single male student was assaulted on the street by three persons and received injuries to his face as well as to his left eye which has resulted in a permanent loss of vision. Only one of his assailants was charged under Section

245.1 (1) (b) of the Criminal Code but aquitted because of lack of identification. The Board nevertheless held that the applicant was a victim of that crime. Total award $8,625.00 (pain and suffering $8500.00)

03/86-557 A 11 year old female was sexually assaulted by her stepfather over a period of three years which resulted in fear and trauma. Her father was charged and convicted of an offence under Section 246.1 (1) (a) of the Criminal Code and sentenced to 3 months imprisonment and placed on probation for 18 months. The Board found the applicant was in need of psycotherapy and ordered the payment of a sum not to exceed $5000.00 for that purpose

01/86-559 A 16 year old single male student but employed at the time of his injury was shot in his home with a weapon rigged as a trap and subsequently lost a leg. His brother was charged and convicted under Section 231. (1) of the Criminal Code and sentenced to 6 months imprisonment and two years probation. Total award $15,250.00 (pain and suffering $15,000.00)

01/86-560 A 22 year old single male student was assaulted by a fellow student following a sporting event and received contusions to his face and damage to his teeth. Although no one was charged with a criminal offfence, the Board found the applicant to be the victim of a crime contrary to Section 245.1 (1) (b) of the Criminal Code. The Board also invoked Section 25 of the Act and reduced the award by one-third because of the victims actions. Total award $1814.99 (pain and suffering $333.33)

01/86-561 A 27 year old single male was murdered and his assailant was sentenced to life imprisonment. On application by his parents the Board ordered payment of funeral expenses and head stone in the amount of $3740.65. Total award including costs $4,065.65.

02/86-562 An 18 year old single male student was struck in the face and ribs and suffered an orbital fracture causing double vision. His assailant was charged and convicted under Section 245 (a) of the Criminal Code and placed on probation for one year. Total award $5115.00 (pain and suffering $5,000.00)

02/86-563 A 27 year old male auto body repairman, married but separated from his wife, was assaulted by another male with a shovel and received mutiple fractures of the zygoma, orbit and jaw. His assailant was convicted under Section 245.1 (1) (a) of the Criminal Code and sentenced to 6 months imprisonment. There was a claim for lost wages. Total award $3,161.00 (pain and suffering $2,000.00)

02/86-564 The applicant is the same person referred to in 12/85-551 who was also the victim of another assault for which her common law husband was charged and convicted under Section 246.1 (1) of the Criminal Code and received a sentence of five year imprisonment. Although physical injuries were minor, the victim suffered mental trauma and shock. Total award $3,000.00 (pain and suffering $3,000.00)

02/86-565 A 19 year old unemployed labourer was assaulted by unknown males and received contusions to the face and had his eyeglasses broken. His assailants were not identified however the Board found that the applicant was a victim of a crime contrary to Section 245.1 (1) (b) of the Criminal Code. Total award $695.00 (pain and suffering $250.00)

02/86-567 A 28 year old married male plumber was assaulted by unknown persons while attending a social function and received a fractured jaw. His assailants were never identified however, the Board found the applicant to be the victim of a crime contrary to Section 245.1 (1) (b) of the Criminal Code. There was a claim for lost wages. Total award $3,027.00 (pain and suffering $2,000.00)

02/86-569 A 28 year old single male medical doctor was assaulted in a licensed premises by another patron and received broken nasal bones. His alleged assailant was charged under Section 245.1 (1) (b) of the Criminal Code but was aquitted for lack of identification. The Board nevertheless found that the applicant was a victim of a crime contrary to Section 245.1 (1) (b) of the Criminal Code. Total award $1440.00 (pain and suffering $900.00)

03/86-570 An 82 year old retired banker and widower was assaulted near his residence and received a fractured skull as well as lacerations and contusions to the head and has since had a speech disfunction. His assailant was charged and convicted under Section 303 of the Criminal Code and sentenced to four years imprisonment. Total award $5,898.76. (pain and suffering $5,000.00)

03/86-571 A 22 year old single male taxi driver was assaulted on the street by unknown persons and received fractures of the zygoma and nasal bones. His assailants were never apprehended however the Board found the applicant to be a victim of a crime contrary to Section 245.1 (1) (b) of the Criminal Code. There was a claim for lost wages. Total award $3,610.00 (pain and suffering $2,000.00)

03/86-576 A 36 year old married male businessman was assaulted while travelling between his place of business and his home and received bruises and contusions to the head and suffered mental trauma. Four assailants were charged and convicted under Section 303 of the Criminal Code and sentenced to various penitentiary terms. Total award $1206.00 (pain and suffering $650.00)

04/86-578 A 30 year old single male student and part time bartender was assaulted and received bruises and lacerations about the head and groin area. His assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and placed on probation for 18 months. There was a claim for lost wages. Total award $910.00 (pain and suffering $300.00)

04/86-581 A 15 year old female high school student was assaulted by an opposing basketball player receiving bruises and lacerations to the face and loosened teeth. Her assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and placed on probation for 6 months. Total award $550.00 (pain and suffering $550.00)

04/86-583 A 22 year old single male university student was assaulted by a fellow student at a social function and received fractured teeth and a bruised mouth. The assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and placed on probation for 6 months. Total award $2671.19 (pain and suffering $1200.00)

04/86-584 An 18 year old male high school student was assaulted following an argument over a private sale and received facial injuries including a broken jaw. It was necessary that his jaws be wired shut for 6 weeks. The assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code, fined $500.00 and placed on probation. Total award $2600.00 (pain and suffering $2,000.00)

04/86-586 A 17 year old single female student was sexually assaulted by her step father over a period of time which resulted in severe emotional trauma which manifested inself in a temporomandibular disfunction as well as irregular menstrual periods. The assailant was charged and convicted under Section 246.1 (1) (a) of the Criminal Code and sentenced to 9 months imprisonment. The victim has required extensive counselling which continues. Total award $10,225.00 (pain and suffering $6,600.00)

04/86-587 A 34 year old single male tavern manager was assaulted by a patron of the tavern and received a stab wound to the abdomen. The assailant was charged and convicted under Section 245.2 (2) of the Criminal Code and sentenced to imprisonment for 3 months. Total award $2850.00 (pain and suffering $2750.00)

04/86-588 A 16 year old single male high school student was punched in the face by another student and received lacerations as well as the loss of a tooth. The assailant was charged and convicted under Section 245.3 of the Criminal Code and placed on probation. Total award $1,083.25 (pain and suffering $500.00)

04/86-589 A 37 year old single unemployed male was assaulted in a licensed premises by a fellow patron and received bruises and lacerations to his head and legs. He has a residual scar on his face. The assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and sentenced 1 month in prison. The Board invoked Section 25 of the Act and reduced the award by 25% due to the intoxicated condition of the victim. Total award $1277.75 (pain and suffering $750.00

04/86-591 A 20 year old single unemployed male was assaulted by being struck on the head by a lead pipe and received head injuries including a subdural hematoma. His assailants were charged and convicted in Youth Court and received 4 months imprisonment and one year probation. Total award $7,230.00 (pain and suffering $7,000.00)

05/86-594 A 34 year old married female was sexually assaulted in her home and endured mental trauma and fear to the extent that she subsequently moved. Her assailant was charged and convicted under Section 306 (1) (b) of the Criminal Code and sentenced to 4½ years imprisonment. Total award $6,479.10 (pain and suffering $6,000.00)

05/86-595 A 30 year old male taxi driver was stabbed to death and his assailants have not been identified. His wife claims for expenses of burial in the amount of $4,701.35 and for maintenance of two infant children. The Board ordered payments of the funeral expenses as noted and ordered payments of $500.00 per month for the children until they reach the age of 19.

05/86-596 A 15 year old female student was assaulted at school by another student and received a broken nose which required two surgical procedures to correct and still left a minor disfigurement. The assailant was charged and convicted under Section 245 (1) (b) of the Criminal Code and was placed on probation for 6 months. Total award $3,586.99 (pain and suffering $3500.00)

05/86-597 A 24 year old single male was punched in the face at a licensed premises by another patron and received a broken jaw and facial injuries. Charges were not laid due to conflicting information. The Board however determined the applicant to be the victim of a crime contrary to Section 245.1 (1) (b) of the Criminal Code but also found that he was 60% responsible for his injuries and therefore reduced the award accordingly. Total award $1615.35 (pain and suffering $800.00)

05/86-602 A 23 year old single male employed as a computer operator was assaulted while leaving a licensed premises carrying two glasses of beer. His assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code. There was a claim for lost wages. The Board invoked Section 25 of the Act and reduced the award because of the contributory actions of the victim. Total award $1,060.00 (pain and suffering $600.00)

05/86-604 A 30 year old divorced female employed as a clerk typist was assaulted by her former husband with a beer glass and received lacerations to her face and now has residual scarring. Her assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and sentenced to a 90 day intermittent imprisonment and probation for 1 year. There was a claim for lost wages. Total award $3570.00 (pain and suffering $2500.00)

06/86-605 A 33 year old unemployed single male was assaulted by several unidentified persons on the street and received bruises and lacerations about the head. Although no one was charged, the Board found the applicant to be a victim of a crime contrary to Section 245.1 (1) (b) of the Criminal Code. Total award $727.00 (pain and suffering $500.00)

06/86-606 A 32 year old married policeman was injured in the performance of his duty and received two broken teeth requiring placement of a partial denture. One assailant was charged under Section 246, (1) (a) of the Criminal Code and was fined $504.00 and ordered to make restitution of $50.00 which latter was paid. Total award $656.00 (pain and suffering $100.00)

06/86-609 A 26 year old single school teacher was sexually assaulted in her residence by an unknown assailant and suffered severe mental trauma and fear and eventually relocated to another area. Although no one was charged, the Board found the applicant to be a victim of a crime contrary to Section 246.1 (1) of the Criminal Code. Total award $4,380.00 (pain and suffering $4000.00)

06/86-611 A 18 year old single male student was assaulted by unknown persons while leaving a licensed premises and received facial injuries including a broken nose. Although no one was charged the Board found the applicant to be a victim of a crime contrary to Section 245.1 (1) (b) of the Criminal Code. There was a claim for lost wages. Total award $1540.00 (pain and suffering $1000.00)

06/86-612 A 28 year old divorced female employed as a real estate agent was assaulted in her home and received bruises and lacerations to the upper body as well as a cervical sprain and moderate mental trauma. There was a claim for lost wages. The assailant was charged and convicted under Section 245 (a) of the Criminal Code and sentenced to imprisonment for 6 months and placed on probation for one year. Total award $8,300.00 (pain and suffering ($1,000.00)

07/86-613 A 23 year old single unemployed male was assaulted after leaving a licensed premises by another former patron of the establishment and received facial injuries including a broken nose. The assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and sentenced to 5 months imprisonment. Total award $1535.00 (pain and suffering $1075.00)

07/86-616 A 20 year old single unemployed male was assaulted by three persons all of whom had been patrons of a licensed premises and received severe bruising and lacerations about the head. The three assailants were all charged and convicted Under Section 245 of the Criminal Code and fined. Due

to the actions of the victim the Board invoked Section 25 and reduced the award by 35 per cent. Total award $390.00 (pain and suffering $325.00)

07/86-621 A 72 year old widow residing alone was assaulted in her residence and then robbed. She suffered soft tissue damage about the neck and shoulders and mental trauma. Her assailant was charged and convicted under Section 303 of the Criminal Code and sentenced to 3 years imprisonment. Total award $865.00 (pain and suffering (800.00)

09/86-627 A 25 year old single unemployed male was assaulted at a licensed premises by a staff member and received bruises and lacerations about the head and broken eyeglasses. The assailant was charged and convicted under Section 245. (a) of the Criminal Code and fined $500.00 and placed on 1 years' probation. The Board invoked Section 25 of the Act and reduced the total award by one third because of the actions of the victim. Total award $475.00 (pain and suffering $266.67)

09/86-628 A 19 year old single male unemployed student was assaulted by several youths at night while walking home. He suffered a swollen right eye and two chipped teeth. His assailants were never identified. Total award $436.00 (pain and suffering $200.00)

11/86-639 A 25 year old married female was fatally shot by her husband who was subsequently charged and convicted under Section 218 (1) of the Criminal Code and sentenced to 10 years imprisonment. The Board ordered payment of burial expenses and monument expenses for a total of $2,267.00.

SUMMARY OF DISMISSED APPLICATIONS

9/84-381 and 9/84-382 A four year old male and a two year old female were sexually assaulted by a babysitter and claimed to have suffered mental trauma. The alleged assailant was not charged because of the tender age of the victims. On the evidence before it, the Board concluded that the children had not been injured as required by the Act. No award was granted.

07/85-486 A 27 year old mother of two children referred to in 09/85-381 and 382 claims to have been injured mentally and to have incurred expenses in relocating the family as the result of the crimes in which her two children were subjected. The Board found that the trauma experienced by the mother is attibutable to her status as a grieving parent and not mental injury or nervous shock as stated in the Act. Notice of Appeal of this decision was given.

12/85-550 A forty year old unemployed married female was assaulted by her husband and received bruises and contusions to her upper arms, shoulders, chest and face. Her husband was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and placed on probation for a period of two years. The applicant failed to attend at the hearing and it having been made to appear to the Board that she was not desirous of giving evidence, her application was dismissed. No award was made.

09/84-383 A 16 year old male claimed to have been assaulted in a liccensed premises in a dispute over some game and received a fractured skull. He was

later convicted of an offence contrary to Section 85 of the Criminal Code. He was then advised of the provisions of Section 25 of the Compensation for Victims of Crime Act and nothing further was ever heard from him or his parents. The Board considers the application to have been abandoned but ordered payment of costs in the amount of $50.00.

04/86-582 A 31 year old single male employed as a storesman claimed to have been the victim of an assault. However, following police investigation there was insufficient evidence to lay any criminal charges. The victim later abandoned his application but the Board ordered payment of costs in the amount of $50.00.

04/85-456 A 23 year old unemployed male claimed to have been assaulted by three individuals and received a broken jaw. The assailants were subsequently found not guilty of the charge under Section 245.1 (1) (b) of the Criminal Code. The applicant was invited to communicate with the Board and upon his failure to do so the Board dismissed the application but did order payment of costs in the amount of $30.00.

09/85-505 A 25 year old single college student later a salesman was assaulted while at a house party in which both he and his assailant were intoxicated and he received a fracture of the right orbit and has suffered vision impairment. His assailant was charged and convicted under Section 245.1 (1) (b) of the Criminal Code and sentenced to 1 day imprisonment and 15 months probation. The Board found the conduct of the applicant was such that considering Section 25 of the Act he was not

eligible for compensation and no award was granted.

10/85-508 A 15 year old male high school student was struck in the left eye by a pellet from a firearm and has suffered permanent vision loss. The assailant was charged and convicted under Section 84, subsection 2 of the Criminal Code. Section 84 is not one of those offences listed in the Schedule to the Act and as there was no evidence of intent to injure, a crime could not be found to have been committed under any other Section of the Criminal Code and therefore the Board ruled that the applicant was ineligible for compensation and no award was made.

01/86-556 A 30 year old single male employed as a peace officer was involved in an altercation resulting in his receiving a hematoma to his right cheek and a trimulular fracture of the right ankle. The alleged assailant was charged and released by the Court upon preliminary hearing because there was insufficient evidence available to commit for trial. The Board found that there was insufficient evidence of the commission of a crime which gave rise to the applicant's injury and therefore no award was made.

04/86-593 A 25 year old single male claimed to have been assaulted at a social function receiving bruises and lacerations about the face. Following investigation by the police it was determined that there was insufficient evidence to charge anyone with a criminal offence and that the actions of the victim may have contributed to his injury. On being advised of these facts the victim abandoned his application. The Board ordered payment of costs in the amount of $25.00.

05/86-599 A 22 year old single male claimed to have been the victim of an assault in which he received bruises and lacerations about the face. He was arrested within 15 minutes for a driving offence under the Criminal Code. There was some question as to the manner in which the victim sustained his injuries. This was subsequently pointed out to him and he subsequently abandoned his application. The Board ordered payment of costs in the amount of $25.00